

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APPLERA CORPORATION, MDS INC.,
and APPLIED BIOSYSTEMS/MDS SCIEX
INSTRUMENTS,

Plaintiffs and
Counter-Defendants,

v.

THERMO ELECTRON CORPORATION,

Defendant and
Counter-Plaintiff.

Civil Action No. 04-1230-GMS

THERMO FINNIGAN LLC

Plaintiff and
Counter-Defendant,

v.

APPLERA CORPORATION, MDS, INC.,
and APPLIED BIOSYSTEMS/MDS SCIEX
INSTRUMENTS,

Defendants and
Counter-Plaintiffs.

Civil Action No. 05-110-GMS

(Consolidated)

**STIPULATION TO MOVE THE DUE DATE FOR RESPONSIVE CLAIM
CONSTRUCTION BRIEFS**

IT IS HEREBY STIPULATED, by and between counsel for the parties and subject to the approval of the Court, that the date for the parties to file and serve their Responsive Claim Construction Briefs, currently due on December 12, 2005, shall be extended through and including December 15, 2005. This extension is requested due to a scheduled settlement

conference on Dec. 12, 2005, the only day the business people from each party were available to meet.

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SO ORDERED this ____ day of _____, 2005.

U.S.D.J.